

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 16442 of 2004

Between:

Parvez Sohail Syed, S/o.S.Abdul Khadar,
Occ: Student (3rd year B.E.) of Muffakham Jah College of
Engineering, Road No.3, Banjara Hills, Hyderabad,
R/o.H.No.C-116, B.Block, Malakpet, Hyderabad-36.

..... PETITIONER

AND

Osmania University, Hyderabad, Rep. by its Registrar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the respondent in not declaring the result of the B.E. 3rd year second semester examinations as illegal and violative of Articles 14, 16 and 21 of the Constitution of India and Judgment of the Hon'ble Court in Writ Petition No.21085 of 2003 dated 12-4-2004 and consequently direct the respondents to declare the result of the B.E. 3rd year 2nd semester examinations.

Counsel for the Petitioner: MR. K.RAMAKANTH REDDY

Counsel for the Respondent: MR. DEEPAK BHATTACHARJEE

The Court made the following ORDER:

The petitioner herein along with another student filed Writ Petition being W.P.No.21085 of 2003 seeking a direction to the respondent-University to permit them to appear for III year B.E. (I.T.) and IV year B.E. (Civil) Classes, examinations and permit them to complete the course.

By an order and judgment dated 12-4-2004, this Court directed the respondent-University to permit the petitioner herein to appear for III year II semester examinations without detaining for alleged backlog papers on the date of promotion.

This Court denied the relief to the second petitioner therein.

Though the orders of this Court are communicated to the respondent, it appears, the respondent did not implement the orders. Therefore, the present Writ Petition is filed seeking a direction to the respondent to declare the result of the petitioner.

This Writ Petition was admitted by this Court on 17-9-2004 and inspite of the fact that a learned Standing Counsel was appearing for the respondent-University, no counter-affidavit is filed so far. Nonetheless, on instructions, the learned Standing Counsel submits that the petitioner herein was detained in III year I semester and therefore, he cannot be permitted to appear for III year II semester examinations and accordingly, his result in the said examinations cannot be declared.

A reading of the order of this Court in the earlier Writ Petition would leave no doubt that a Mandamus has gone from this Court to the respondent to permit the petitioner in the II semester examinations of III year. As a necessary corollary, unless and until there is any impediment, there was no reason to withhold the result. It is not denied before this Court that the order of this Court in W.P.No.21085 of 2003 has become final and therefore, the grievance of the petitioner is well made out.

The Writ Petition is, therefore, allowed and the respondent-University is directed to declare the result of the petitioner of his II semester examinations of III year B.E. immediately. There shall be no order as to costs.

V.V.S. RAO, J

Dated: November 05, 2004.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the fifth day of November, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar, Osmania University, Hyderabad.

2. Two CD copies.